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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,364	02/02/2001	Mark J. Kraffert	MICT-0134-US	8094

7590 10/15/2003	EXAMINER

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ART UNIT	PAPER NUMBER
2857	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/776,364	KRAFFERT, MARK J.
	Examiner	Art Unit
	Jeffrey R. West	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14, 17-21, and 23-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14,17-21 and 23-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 May 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

In claim 7, "wherein receiving the test value" should be ---wherein receiving the

first value---.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5, and 6-13 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 6,581,052 to Slutz in view of U.S. Patent

No. 5,517,892 to Fujimori.

Slutz discloses a test generator for database management systems comprising

performing a first test with a first test system, performing a second test with a second

test system, using test modules (column 4, lines 17-40), in each of the first and

second test systems identifying a file name of a data/configuration file to use in each

of the first and second tests, and using the data/configuration file in performing the

respective one of the first and second tests (column 5, lines 31-55). Slutz discloses

performing a plurality of tests in a plurality of systems using the file wherein the tests

are performed on a database (column 4, lines 59-65). Slutz discloses performing

the test on the database coupled over a network through an interface (column 3, line

66 to column 4, line 4 and Figure 2) and also discloses using SQL query statements

to join two separate parameters (column 14, lines 25-59).

As noted above, Slutz teaches many of the features of the claimed invention, and

while the invention of Slutz does teach including a user-defined parameter in the

configuration file specifically indicating the database to be tested (column 5, lines 33-

37), Slutz does not teach combining two strings/parameters to form a filename of the

configuration file.

Fujimori teaches an electronic musical instrument having memory for storing tone

waveforms and its file name including a control unit and associated routines (column

4, lines 6-15 and column 5, line 13) for receiving a string of characters indicating part

of a filename (column 5, lines 49-59), which are manually inputted by a user (column

6, lines 15-19). Fujimori also teaches executing a routine for combining the first

string of characters with a second string of characters, formed by a software module,

to form a file name (column 7, lines 39-50).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Slutz to include combining two strings/parameters to form a filename of

the configuration file, as taught by Fujimori, and further specifying that one of the

parameters indicate the name of the database under test because Slutz already

teaches forming a configuration file specific to a particular database under test.

Therefore, by combining the name of the database under test with a second

common parameter indicating the file to be a configuration file, in the test systems,

the combination would have provided a file easily discernable as relating to a

specific database as well as indicated what type of file it is. This combination would

have provided an easy method for finding a specific configuration file desired and

increased the speed of finding the file by eliminating the need to implement the time-

consuming process of reading the data included in the filename and instead allowed

the unit to search only the filenames themselves. Fujimori further supports this

reasoning by indicating that the specific file name forming method would provide

indication as to the content of the file just by reading the file name itself making it

easier to search for a desired file (column 2, lines 5-10 and 22-26) and reduce the

chance of overwriting a generic file by producing files specific for an intended

purpose (column 1, line 66 to column 2, line 5).

4. Claims 3, 4, 14, 17-19, 23, 24, and 27-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Slutz in view of Fujimori and further in view of U.S. Patent

No. 6,513,047 to Talley.

As noted above, the invention of Slutz and Fujimori teaches many of the features

of the claimed invention and while the combination does suggest searching for a

desired file name (Fujimori, column 2, lines 5-10) the combination does not

specifically disclose searching for the data file in storage for use in testing a

database.

Talley teaches the management of user-definable databases comprising a user-interface for accessing a plurality of configuration files stored remotely containing descriptions of the contents of each of a plurality of databases desired (column 1, line 51 to column 2, line 4 and column 4, lines 11-15), wherein the configuration file contains the name of the specific database (column 4, lines 16-22). Talley teaches connecting the user-interface to the database desired through a network (column 3, lines 16-46) and using a corresponding processor and software routine (column 3, lines 47-55) for searching a predetermined storage locations and directories for finding and retrieving the configuration file (column 6, lines 17-39). Talley also teaches connecting the user interface, databases, and remote computers over a network (column 3, lines 12-15).

It would have been obvious to one having ordinary skill in the art to modify the invention of Slutz and Fujimori to include searching for the data file in storage for use in testing a database, as taught by Talley, because the combination of Slutz and Fujimori teaches forming a file that is easily searchable (Fujimori, column 2, lines 5-10) as well as reading in a specific configuration file for use in a database test (Slutz, column 5, lines 31-33), but doesn't specifically provide the method for reading in this configuration file. Therefore, the combination would have provided a method for reading in this file that allows specific information pertaining to each database desired while allowing access by a plurality of users (column 2, lines 5-16 and column 7, lines 25-31).

5. Claims 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Slutz in view of Fujimori and Talley and further in view of

U.S. Patent No. 5,848,410 to Walls et al.

As noted above, Slutz in combination with Fujimori and Talley teaches many of

the features of the claimed invention including forming a filename based on inputs

from a module and/or a user, but does not specifically teach including a default

name if a value is not received from the module or user.

Walls teaches a system and method for comprehensively and continuously

indexing information stored in one or more sources of information such as a

database (column 3, lines 48-50) comprising a file-system identifier that identifies the

file system from which an index will be built and analyzes the files of the selected file

system to determine information can be extracted from the files (column 11, lines 21-

29). Walls also teaches that if a user does not select a file system name when

prompted, the file-system definer, part of the file system identifier, provides a default

file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Slutz, Fujimori, and Talley include using a default name if a value is not

received from the module or user, as taught by Walls, because the combination

would have prevented an interruption in the process if the user fails to respond, as is

well known in the art, and, as suggested by Walls, allowed the process to continue

by using a value most recently or most frequently selected by the user and therefore

using a value that would have been most likely to have been selected by the user if

the user were present (column 11, lines 50-55).

6. Claims 1-14, 17-19, 22-24, and 27-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 6,393,435 to Gartner et al. in view of U.S.

Patent No. 5,857,192 to Fitting.

Gartner discloses a method and means for testing the performance of a

database system by referencing files external to the database system using multiple

file systems wherein the test files are created in the file systems and a control table

in the database management system controls access to the test files (column 2,

lines 51-59). Gartner discloses implementing the method by receiving requests from

a user via an application programming interface (column 4, lines 30-39) wherein the

user supplies a first value, relating to the filename, and a second value, relating to

the name of the server/database system under test, (column 5, lines 41-54) over a

network using searching and management control units and software routines

(column 5, lines 19-29). Gartner then discloses searching the corresponding

database and returning query results including the server/database and filename

references which are then used to identify the relevant data file (column 6, lines 16-

26). Gartner also discloses that the system is applicable for a plurality of users

accessing the system files for multiple tests concurrently (column 3, lines 1-2 and

column 4, lines 21-23 and 54-59) and therefore teaches that described method can

be performed at different test systems to execute the tests using the same data files.

As noted above, Gartner teaches many of the features of the claimed invention

including searching and obtaining data files based on specific filename parameters

but does not specifically disclose combining first and second parameters to form a

filename.

Fitting discloses a quality control system of a manufacturing system comprising a

plurality of test systems, each test system including a controller that configures the

test equipment according to one of a plurality of routines so that the test systems are

able to executive a plurality of different tests (column 5, lines 15-23). Fitting

discloses that the test systems send a request, through a communication interface

employing an Ethernet network (column 3, lines 4-10), to a storage database,

containing a plurality of files, for retrieval of a test file to be used by the test

controller, which is part of a test module (Figure 1) executed in performing the

corresponding test (column 5, lines 15-19). Fitting discloses that the test system

provides first and second parameters, the first parameter being a predetermined

string value and the second parameter being a value indicating the data type of the

requested file, to a test controller that performs a routine combining the two

parameters to form a filename which is sent to the database (column 4, lines 20-39).

Fitting then discloses searching the database for a test filename containing the string

value and a value corresponding to the second file-type parameter (column 4, lines

53-64).

Further, Fitting describes the entire process of the invention according to the

execution of one test system, and therefore does not specifically disclose performing

different tests with the different systems using the associated file, however, since Fitting does disclose the invention for sharing files between a plurality of test systems, each able to executive a plurality of different tests (column 5, lines 15-23), Fitting does suggest the execution of different tests, by different test systems, using the same shared file directory and therefore the same aforementioned process would be carried out using each of the subsequent test systems.

Also, although Fitting doesn't specifically disclose that the controller contain a storage medium with instructions executed on it, since the controller of Fitting does execute a plurality of steps to combine the two parameters into a filename, it is considered inherent that the controller must contain some type of program instructing the execution of the combining routine.

It would have been obvious to one having ordinary skill in the art to modify the invention of Gartner to include combining first and second parameters to form a filename, as taught by Fitting, because the invention of Gartner does teach that the first and second parameters are used in combination with each other to specify a location, therefore combining the first and second parameters into one string/filename would have provided a functionally equivalent method for indicating a specific file and location. Further, Fitting suggests that the combination would have increased the speed of the search query, to be substantially real-time, by providing descriptive filenames and therefore eliminating the need for the searching unit to implement the time-consuming process of reading the data included in the filename

and instead allowed the unit to search only the filenames themselves (column 1,

lines 54-59).

7. Claims 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gartner in view of Fitting and further in view of U.S. Patent No.

5,848,410 to Walls et al.

As noted above, the invention of Gartner and Fitting teaches many of the

features of the claimed invention including forming a filename based on inputs from

a test module or a user, but does not teach including a default name if a value is not

received from the test module or user.

Walls teaches a system and method for comprehensively and continuously

indexing information stored in one or more sources of information such as a

database (column 3, lines 48-50) comprising a file-system identifier that identifies the

file system from which an index will be built and analyzes the files of the selected file

system to determine information can be extracted from the files (column 11, lines 21-

29). Walls also teaches that if a user does not select a file system name when

prompted, the file-system definer, part of the file system identifier, provides a default

file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Gartner and Fitting to include using a default name if a value is not

received from the test module or user, as taught by Walls, because the combination

would have prevented an interruption in the process if the user fails to respond, as is

well known in the art, and, as suggested by Walls, allowed the process to continue

by using a value most recently or most frequently selected by the user and therefore

using a value that would have been most likely to have been selected by the user if

the user were present (column 11, lines 50-55).

Response to Arguments

8. Applicant's arguments with respect to claims 1-14, 17-21, and 23-32 have been

considered but are moot in view of the new ground(s) of rejection.

The Examiner maintains the rejection previously presented in an Office Action

mailed March, 31, 2003, and presents the corresponding arguments below.

However, since the mailing of the previous Office Action a more pertinent reference,

U.S. Patent No. 6,581,052 to Slutz, has issued and the Examiner provides a

respective new grounds of rejection.

With respect to the rejection under 35 U.S.C. 103(a) of Gartner in view of Fitting,

Applicant first argues that "nowhere within the teaching of Gartner is there any

indication of performing first and second tests in respective first and second *test*

systems." The Examiner asserts that the invention of Gartner teaches testing a

database system by a user through an application (column 4, lines 11-13). Gartner

then teaches an embodiment wherein the database is tested by a plurality of users

through a plurality of applications (column 4, lines 21-23). The Examiner considers

these different applications with different corresponding users for testing the

database to be the first and second test systems. The Examiner also asserts that

the invention of Fitting teaches a plurality of test systems as well.

Applicant also argues that "because of the disparate teaching of [Gartner and

Fitting], there simply is no motivation or suggestion to combine the references." The

Examiner asserts that the inventions of Gartner and Fitting are related in that the

invention of Gartner teaches a method for testing a database system by accessing

test files in a database and the invention of Fitting teaches method for querying a

database in order to obtain desired file data. Since both of the references are

related to database searching, they are considered to be analogous and properly

combined.

Applicant further argues that the invention of "Gartner also does not disclose or

suggest receiving a second value representing a database to perform a test on. . . A

closer review of the patent will reveal that the cited passage actually refers to storing

an external file reference within a table, such as table 60, in a database

management system. The external file reference refers to an external file system

containing test files. These external file references do not constitute the second

value representing a database to perform a test on. The test files in the external file

system are actually files used during testing of the database system."

As noted by Applicant, the external file reference refers to an external file system

(i.e. server) containing test files. Therefore, since the server is linked through a

specific external file reference, the name of the server (i.e. the second value)

represents the corresponding external file reference. These external file references,

that are represented by the second value of the server, are the databases being

tested (column 2, lines 39-40). Through testing these external file reference

databases, by accessing the test files stored in the file server, the database system

is accordingly tested (column 3, lines 18-20). Therefore, the server parameter

taught by Gartner does represent a database to perform a test on.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent No. 6,338,068 to Moore et al. teaches a method to demonstrate

software that performs database queries including generating a filename using a

string (column 6, lines 20-26).

U.S. Patent No. 6,287,123 to O'Brien teaches computer managed learning

system and data processing method comprising classifying classes of data into three

types of database files designated by specific file extensions wherein the database

files have a filename of a combination of an identifying string and the corresponding

database extension (column 9, lines 51-58).

U.S. Patent No. 6,591,272 to Williams teaches a method and apparatus to make

and transmit objects from a database on a server computer to a client computer as

well as translating a database into classes of objects and testing the object classes

using a filename including the name of the classes (column 4, lines 48-51 and
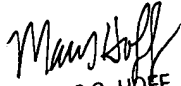
column 49, lines 10-19).

U.S. Patent No. 6,094,649 to Bowen et al. teaches keyword searches of structured databases.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrw
September 30, 2003

MARC S. HOFF
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